

## KAPPES PATENTS

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4802 E. Ray Road, Suite 23-218  
Phoenix, AZ 85044

February 16, 2018

**VIA EMAIL (believeland@zoominternet.net)**

Thomas Stroup  
1223 Wynford Colony  
Marieta Georgia 30064

**Re: BELIEVELAND Marks**

Dear Mr. Stroup:

I am in receipt of your February 15, 2018 email to Mr. Nathan Barnhart relating to various trademark allegations. My firm represents Believeland Beer Festival, Inc. ("BBF") in this matter. Please direct all further communications to me. If you are represented by counsel in this matter, provide the contact information for your counsel.

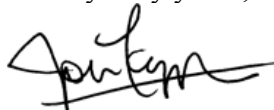
As you are aware, in June, 2016, you made similar assertions against BBF through counsel. On August 26, 2016, I responded by letter asking several questions directed to the merits of your assertions. After several communications with your counsel, you and your counsel abandoned this matter, refusing to respond to any of my questions or further communications. *See attached Exhibits A-C.* Accordingly, your claims are barred under the doctrine of Laches. *See Hot Wax, Inc. v. Turtle Wax, Inc.*, 191 F. 3d 813 (7th Cir. 1999).

BBF respects the intellectual property rights of others as it expects its own intellectual property rights to be respected. Accordingly, any disparaging contact by you with any of BBF's clients, vendors, or customers will constitute tortious interference and be actionable against you.

To the extent you disagree with any of the foregoing, you must provide a written response including answers the questions set forth in my August 26, 2016 correspondence in this matter. Contrary to your recent email, the existence of a trademark registration does not, in itself, provide any enforceable rights absent other underlying requirements. The existence or absence of such requirements was the subject of my questions to you in August, 2016 to which you provided no response. Your refusal to answer those questions further confirms the absence of enforceable rights.

I look forward to your prompt response.

Very truly yours,



Jon E. Kappes



## EXHIBIT A

## KAPPES PATENTS

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August 26, 2016

**VIA EMAIL (awilcox@hahnlaw.com)**

Amanda Wilcox  
Hahn Loeser & Parks LLP  
200 Public Square, Suite 2800  
Cleveland, OH 44114

**Re: BELIEVELAND Marks**

Dear Ms. Wilcox:

We acknowledge receipt of your letter dated June 30, 2016. My firm represents Believeland Beer Festival, Inc. ("BBF") in this matter. Please direct all further communications to me.

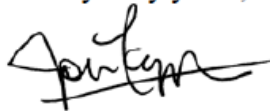
BBF respects the intellectual property rights of others as it expects its own intellectual property rights to be respected. Therefore, we request your patience while we undertake a review of this matter. We will contact you again as we complete the same.

To aid that review, please provide a description of Believeland, Ltd.'s ("BL") use of the term BELIEVELAND since its alleged adoption in 2007, including how and where BL used the mark as well as any instances or periods of non-use.

Your letter indicates that BL has entered into license agreements with third parties relating to the term BELIEVELAND and that BL would be willing to enter into such an agreement here. To accelerate resolution of this matter, please provide the names of BL's current licensees, the terms of those licenses, and the license terms proposed to BBF. In particular, please advise us whether ESPN is currently a licensee.

I look forward to your prompt response.

Very truly yours,



Jon E. Kappes

## EXHIBIT B

Amanda Wilcox @

RE: Believeland Marks - UNDER FRE 408

To: Jon E. Kappes

Dear Jon,  
Do you have time for a call to discuss next week?  
Thanks,  
Amanda



**Amanda Harwood Wilcox** | Hahn Loeser & Parks LLP  
Tel: 216.274.2360 | Fax: 330.864.7986  
[awilcox@hahnlaw.com](mailto:awilcox@hahnlaw.com) | [hahnlaw.com](http://hahnlaw.com)  
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Hahn Loeser & Parks LLP is a full-service law firm with a national footprint and international reach, with offices in Cleveland, Columbus, Akron, Naples, Fort Myers, San Diego, and Chicago.

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**From:** Jon E. Kappes [<mailto:jonkappes@kappespatents.com>]

**Sent:** Friday, August 26, 2016 1:13 PM

**To:** Amanda Wilcox

**Subject:** Believeland Marks - UNDER FRE 408

Dear Amanda,

Please find attached my letter in connection with this matter.

Best regards,  
Jon E. Kappes, Esq.

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This email is confidential and privileged, and intended only for the recipient above. If you received this email in error, please destroy all copies of it and indicate such by return email to me. Thank you.

Amanda Wilcox

RE: Believeland Marks - UNDER FRE 408

To: Jon Kappes

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Great – I will give you a call.

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**From:** Jon Kappes [<mailto:jonkappes@kappespatents.com>]

**Sent:** Friday, September 23, 2016 12:14 PM

**To:** Amanda Wilcox

**Subject:** Re: Believeland Marks - UNDER FRE 408

An hour earlier would be fine. Let's do 10AM (PT) / 1PM (ET) on 9/28. Talk to you then.

On Sep 23, 2016, at 5:48 AM, Amanda Wilcox <[awilcox@hahnlaw.com](mailto:awilcox@hahnlaw.com)> wrote:

Hi Jon,

I have a conflict at that time (2 eastern) but I could do an hour earlier or an hour later.

Let me know if either of those work.

Thanks,

Amanda

<image001.jpg> **Amanda Harwood Wilcox** | Hahn Loeser & Parks LLP  
Tel: 216.274.2360 | Fax: 330.864.7986  
[awilcox@hahnlaw.com](mailto:awilcox@hahnlaw.com) | [hahnlaw.com](http://hahnlaw.com)  
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Hahn Loeser & Parks LLP is a full-service law firm with a national footprint and international reach, with offices in Cleveland, Columbus, Akron, Naples, Fort Myers, San Diego, and Chicago.

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**From:** Jon E. Kappes [<mailto:jonkappes@kappespatents.com>]

**Sent:** Thursday, September 22, 2016 5:35 PM

**To:** Amanda Wilcox

**Subject:** RE: Believeland Marks - UNDER FRE 408

Amanda – How about 11AM (PT) / 1PM (CT) on Wed., 9/28. If that works for you, feel free to call my direct line.

## EXHIBIT C

**Jon Kappes**

Important October 27, 2016 at 8:56 AM

JK

Re: Believeland Marks - UNDER FRE 408

[Details](#)

To: Amanda Wilcox, Bcc: Jon Kappes

Amanda,

During our September phone call, you indicated you would follow-up within about a week to discuss a further call involving the parties. Having not heard from you. We take from your client's extended lack of response that it has abandoned this matter. Accordingly, we will consider the matter closed.

Best regards,  
Jon E. Kappes, Esq.

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